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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,290	06/01/2006	Simon PA Ringland	36-1990	3165

23117   7590   12/05/2008

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EXAMINER
BORSETTI, GREG

ART UNIT	PAPER NUMBER
2626	

MAIL DATE	DELIVERY MODE
12/05/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/581,290	RINGLAND ET AL.
Office Action Summary	Examiner	Art Unit
	GREG A. BORSETTI	2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _17 September 2008_.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _19-36_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _19-36_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _9/17/2008_.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 19-36 are pending.

2.   Claims 1-18 have been canceled.

Response to Arguments

3.   In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., Push to talk methods, Remarks, Page 11, ¶ 4) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

4.   Applicant argues "nowhere in the document is it indicated that a half-duplex system is, or could, be used" (Remarks, Page 13, ¶ 1) The examiner respectfully disagrees and additionally points to column 22, lines 57-65 where a "random delay of up to 2 seconds of relative silence" is described. If there is a silence determination prior to response to an input from a user, it would have been obvious to someone of ordinary skill in the art that the transmission medium could only be transmitting information in one direction (i.e. transmission for input, silence, transmission for response…). Furthermore, column 12, lines 17-32 teaches that the system can be connected to a wireless connection such as the internet. This is normally done through wireless local area networks (WLAN) which is a half duplex packet based system. The argument is not persuasive.

5.   Applicant argues "In Vysotsky both speech recognisers have to listen to and
process the whole message..." (Remarks, Page 13, ¶ 4) The examiner agrees with the
argument over the rejection, therefore the following action is non-final.

6.   Applicant argues "there is no disclosure that a "cancel call" command can be
sent out during a call." (Remarks, Page 14, ¶ 2) The examiner agrees with the argument
over the rejection, therefore the following action is non-final.

7.   In response to applicant's argument that the references fail to show certain
features of applicant's invention, it is noted that the features upon which applicant relies
(i.e., group created on the fly, Remarks, Page 14, ¶ 3) are not recited in the rejected
claim(s). Although the claims are interpreted in light of the specification, limitations from
the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26
USPQ2d 1057 (Fed. Cir. 1993).

Information Disclosure Statement

8.   The Information Disclosure Statement (IDS) submitted on 9/17/2008 is in
compliance with the provisions of 37 CFR 1.97.

Specification

9.   The title of the invention is not descriptive. A new title is required that is clearly
indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10.　　Claims 23 and 33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims and specification fail to identify a likelihood for determining the intended recipient at the beginning of the audio stream. The examiner suggests "...received audio stream when the intended recipient..." Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

11.　　Claim(s) 19 is/are rejected under 35 USC 101 for being nonstatutory. Under the most recent interpretation of the Interim Guidelines regarding 35 U.S.C.101, a method claim must (1) be tied to another statutory class or (2) transform underlying subject matter to a different state or thing. If no transformation occurs, the claim(s) should positively recite the other statutory class to which it is tied to qualify as a statutory process under 35 U.S.C. 101. As for guidance to areas of statutory subject matter, see 35 U.S.C. 101 Interim Guidelines (with emphasis of the Clarification of "processes"

under 35 USC 101); As an example, the claim(s) could identify the apparatus that

accomplishes the method steps, or positively recite the subject matter that is being

transformed.

12.   Claim(s) 27 is/are rejected under 35 USC 101 for being nonstatutory. A computer

program is an algorithm which does not fall within one of the enumerated statutory

categories of invention under 35 USC 101.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

13.   Claims 19, and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Vysotsky et al. (US Patent # 5832063) in view of Dailey. (US Patent # 6449491).

As per claim 19, Vysotsky teaches:

        buffering the received message;   (Vysotsky, column 4, lines 43-45, ...*The*

intelligent peripheral 124 includes first and second speech recognizer arrays 126, 128,

an application processor 130, and a database 129..., The first and second speech

recognizer arrays would inherently have a buffer to temporarily store information while

processing the inputted speech signal to compare it with known values in the database.)

performing a speech recognition process on the received voice message to

recognize the utterance contained therein;   (Vysotsky, column 6, lines 20-23,

...upon receiving the speaker dependent templates from the application processor 130,

the speech recognizer array 126, in step 312, signals its readiness to perform speech

recognition..., The speech recognizer array processes the received message to perform

speech recognition, which is known in the art to recognize utterances.)

determining, if possible, an intended receiver of the message in dependence on

the recognized utterance;   (Vysotsky, column 10, lines 57-63, *...using speaker*

independent speech recognition, the method progresses to step 424 and the call is

completed with the customers calls being forwarded to the telephone number in the

database 129 associated with the customer's template for the name John..., This

occurs after the system has detected an input and processed it and further tried to

confirm the command.)

Vysotsky fails to teach, but Dailey teaches:

routing at a router server in a communications network an audio stream

containing an utterance when a user presses a button on a user device and starts to

talk;   (Dailey, column 7, lines 26-54, *...push-to-talk (PTT) button 460...mobility*

server 616...)

if an intended receiver was determined, transmitting the audio stream to the

determined intended receiver using a half duplex communications service provided by a

packet-switched network.   (The determination and connection of a receiver is

done by Vysotsky. Dailey, column 7, lines 26-42 teaches half-duplex communications.

Dailey, column 1, lines 30-48 teach packetized data switching.)

It would have been obvious to someone of ordinary skill in the art at the time of

the invention to combine Dailey with the Vysotsky device to provide a voice dialing

method for group calling where "By using half-duplex communications over a common

traffic channel, the overhead associated with normal call setup and control procedures

can be avoided" (Dailey, column 4, lines 44-46)

Claims 27 and 28 are rejected for the same reasons as claim 19. Vysotsky

operates on computer hardware which inherently must be programmed by a computer

readable medium.

Claim 29 is rejected for the same reasons as claim 19. Vysotsky, claim 10

teaches a device, which teaches a system corresponding to the method of claim 19.

14.   Claims 20-24 and 30-34 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Vysotsky et al. (US Patent # 5832063) in view of Dailey. (US Patent

6449491) and further in view of Geilhufe et al. (US Patent # 6584439).

As per claim 20, claim 19 is incorporated and Vysotsky and Dailey fail to teach, but

Geilhufe teaches:

indicating the one or more possible intended receivers to a user;

(Geilhufe, column 9, lines 10-15, ...*acoustic identification is accomplished by a user saying an identification phrase. An example of an identification phrase is "What is out there?" A voice controlled device may have one or more identification phrases. Any voice controlled device that hears its identification phrase responds to identify its presence*... The voice controlled devices indication in Geilhufe respond acoustically as the intended receivers which teaches the indication means in the instant application.

receiving a selection signal from the user indicating the one or more determined possible intended receivers to which the message should be transmitted.
(Geilhufe, column 9, lines 40-42, ...*in order to restrict which voice controlled devices respond to an identification phrase, a user may include a voice controlled device's name in the identification phrase*... The device's name identification is a selection signal that teaches the instant application.)

It would have been obvious to someone of ordinary skill in the art at the time of the invention to modify Dailey and Vysotsky with the Geilhufe device to provide selection and transmission to multiple receivers through speech selection. "it is desirable to recognize spoken phrases and store them in a representation such that, once stored, the phrases can be used for speaker independent recognition and can be used by multiple voice controlled devices." (Geilhufe, column 5, lines 5-9)

As per claim 21, claim 20 is incorporated and Vysotsky teaches:

generating an audio speech prompt corresponding to the one or more possible intended receivers; and outputting the generated audio speech prompt to the user.

(Vysotsky, column 10, lines 48-53, ...*in step 418, the customer is played a confirmation message, e.g., "Do you wish to forward your calls to John?" where the name John is generated by playing back the recording of the name associated in the database 129 with the template that was used to identify the name John in the received speech*...)

As per claim 22, claim 19 is incorporated and Vysotsky fails to teach, but Dailey teaches:

when the determining step determines a plurality of intended receivers, the message is transmitted to each of the determined receivers using a group call function of the half-duplex communications service;   (Dailey, column 7, lines 36-42, ...*according to an aspect of the present invention, receipt of a user input at the PTT device 460 initiates a sequence of operations in which a call to a predetermined group of terminals is set up, all of which may occur without input at the keypad 430. According to other aspects of the present invention, the PTT device 460 controls half-duplex communications among terminals in a group call*..., This teaches that there is a receiver determination means to determine a plurality of intended receivers in a group call in a half duplex communications service.)

It would have been obvious to someone of ordinary skill in the art at the time of the invention to modify Dailey and Vysotsky with the Geilhufe device to provide selection and transmission to multiple receivers through speech selection. "it is desirable to recognize spoken phrases and store them in a representation such that,

once stored, the phrases can be used for speaker independent recognition and can be used by multiple voice controlled devices." (Geilhufe, column 5, lines 5-9)

As per claim 23, claim 19 is incorporated and Vysotsky and Dailey fail to fully teach, but Geilhufe suggests:

wherein the speech recognition process is performed only on a portion of the received audio stream if it is likely that the intended recipient is indicated at the beginning of the audio stream.   (Geilhufe, column 19, lines 15-26, the standard syntax is for the name to be indicated early in the audio stream as a directive to identify the receiver. Therefore, if the speech recognizer only has to identify a directive with no commands (such as in the speaker dependent name recognition of Vysotsky), it would only have to recognize the audio stream for portion of the entire stream. Therefore it would have been obvious to someone of ordinary skill in the art at the time of the invention to use Geilhufe's syntax structure to reduce recognition processes in the Vysotsky speaker dependent name recognizer.

It would have been obvious to someone of ordinary skill in the art at the time of the invention to modify Dailey and Vysotsky with the Geilhufe device to provide selection and transmission to multiple receivers through speech selection. "it is desirable to recognize spoken phrases and store them in a representation such that, once stored, the phrases can be used for speaker independent recognition and can be used by multiple voice controlled devices." (Geilhufe, column 5, lines 5-9)

As per claim 24, claim 19 is incorporated and Vysotsky teaches:

receiving an indication of the identity of a user who generated the message;

(Vysotsky, column 5, lines 45-50, ...*the arbiter 254, in turn, is coupled to a call*

completion and feature activation circuit 256 by a line 257 and by a voice verification

circuit 255. Using this arrangement, voice verification is performed selectively when, for

security purposes, it is important to verify the identity of a caller before responding to a

particular command..., A voice identification of the user teaches a means for receiving

an indication of the identity of the user in the instant application.)

grammar selection means for selecting a user-dependent speech grammar for

use by the speech recognition process in dependence on the identity of the user.

(Vysotsky, column 8, lines 31-35, ...*The speaker dependent speech recognition*

process, like the speaker independent speech recognition process, is based on hidden

Markov models (HM) with the use of grammars..., The speaker dependent model is

based on grammars where a voice verification ability has been disclosed in Vysotsky,

column 5,lines 45-50. Thus, there would be a grammar selection means for selecting a

user-dependent speech grammar dependent for the specific user if voice verification

was performed on the individual.)

Claims 30-34 are rejected for the same reasons as claims 20-24. Vysotsky, claim

10 teaches a device, which teaches a system corresponding to the method of claims

20-24.

15.   Claims 26 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Vysotsky et al. (US Patent # 5832063) in view of Dailey. (US Patent # 6449491)

and further in view of Schrage. (US Patent #6744860).

As per claim 26, claim 19 is incorporated and Vysotsky teaches:

        receiving audio streams transported by a communications service; and

performing a speech recognition process on the received audio streams to determine

the respective utterances contained therein; and   (Vysotsky, column 6, lines

20-23, ...*upon receiving the speaker dependent templates from the application*

processor 130, the speech recognizer array 126, in step 312, signals its readiness to

perform speech recognition..., The speech recognizer array processes the received

message to perform speech recognition, which is known in the art to recognize

utterances.)

Vysotsky fails to fully teach, but Dailey teaches

        the communications service being half-duplex;   (Dailey, column 7, lines

26-42 teaches half-duplex communications.)

        It would have been obvious to someone of ordinary skill in the art at the time of

the invention to combine Dailey with the Vysotsky device to provide a voice dialing

method for group calling where "By using half-duplex communications over a common

traffic channel, the overhead associated with normal call setup and control procedures

can be avoided" (Dailey, column 4, lines 44-46)

Vysotsky and Dailey fail to teach, but Schrage teaches:

if it is determined that a predetermined utterance is contained in any of the audio

streams, signaling that the half-duplex communications service should cease

transporting the audio stream.   (Schrage, column 2, lines 20-29, ...*When off-*

hook the speakerphone may monitor for a verbal hang-up command...)

It would have been obvious to someone of ordinary skill in the art at the time of

the invention to combine Schrage with the Vysotsky and Dailey device to have hands-

free functionality for telephone operations because " The physical action of lifting a

handset or pressing a button to initiate an off-hook condition can be difficult or

impossible for some handicapped individuals" (Schrage, columns 1-2, lines 67 and 1-3)

Furthermore, hands-free phone interaction has become popular especially in in-vehicle

operations for safety reasons.

Claim 36 is rejected for the same reasons as claim 26. Vysotsky, claim 10

teaches a device, which teaches a system corresponding to the method of claim 26.

16.   Claims 25 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Vysotsky et al. (US Patent # 5832063) in view of Dailey. (US Patent # 6449491)

and further in view of Geilhufe et al. (US Patent # 6584439) and further in view of

Salazar et al. (US Patent #5774841).

As per claim 25, claim 19 is incorporated and Vysotsky, Dailey, and Geilhufe fail to

teach, but Salazar teaches:

receiving a speech recognition activation signal from a user, wherein the speech

recognition and determining steps are performed in dependence on the receipt of such

a signal.   (Salazar, column 10, lines 27-29, ...*The PTT control signal causes*

gating of the audio into the speech recognizer 160 only when the PTT switch on the

headset interface unit is depressed...)

It would have been obvious to someone of ordinary skill in the art at the time of

the invention to combine Salazar with the Vysotsky, Dailey, and Geilhufe device

because the modification reduces misrecognitions, "This ensures that audio is

recognized only when the user is speaking into the microphone to the ASRU" (Salazar,

column 10, lines 29-32)

Claim 35 is rejected for the same reasons as claim 25. Vysotsky, claim 10

teaches a device, which teaches a system corresponding to the method of claim 25.

Conclusion

17.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. Refer to PTO-892, Notice of References Cited for a listing of

analogous art.

18.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to GREG A. BORSETTI whose telephone number is

(571)270-3885. The examiner can normally be reached on Monday - Thursday (8am -

5pm Eastern Time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, RICHEMOND DORVIL can be reached on 571-272-7602. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

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/Greg A. Borsetti/
Examiner, Art Unit 2626
/Richemond Dorvil/

Supervisory Patent Examiner, Art Unit 2626